GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4509 OF 2003

WITH

WRIT PETITION NO. 4511 OF 2003

WITH

WRIT PETITION NO. 4512 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.)

Court's or Judge's orders

Mr. S.V. Pitre for Petitioner.

Mr. C.R. Sonawane, A.G.P. for Respondent Nos. 2 to 5.

Mr. K.V. Tembe for Respondent No. 1.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 15, 2005
P.C.

. All the three petitions are being disposed of by a common order as similar issues are raised therein. The Petitioner has challenged the vires of Section 101 of the Maharashtra Cooperative Societies Act. The said challenge was in issue in the case of M/s. Annapurna Engineering Corporation and Ors. Vs. State of Maharashtra and Ors. in Writ Petition No. 3489 of 2002 decided on 11.6.2003. The learned Division Bench of this Court considering the challenge to the validity of Section 101 of the M.C.S. Act has rejected the said contention. That being the case, and

further we find no reason to take a view different from the view taken by the learned Division Bench. Ultimately it is only in the class of cases that Act provides for the remedy under Section 101 of the M.C.S. Act. It is so permissible as long as classification is reasonable and has a nexus to the object sought to be achieved. in the instant case, speed recovery of dues of Cooperative societies in the loans advanced.

. In so far as the issue as to whether the disputes over Rs. 10 lacs. can be entertained, the Judgement of the Full Bench of this Court is no longer holding the field. In the light of that it will be open to the Bank to make recovery of the amounts due and payable.

. There is no other contention which is raised. In the light of that, we find no merit in these petitions which are accordingly rejected.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)